

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amanda Bernardo	Team: Team # 2	CCRB Case #: 200906576	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/24/2009 6:05 AM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 10/24/2010	EO SOL 10/24/2010	
Date/Time CV Reported Wed, 04/29/2009 3:17 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/29/2009 3:17 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. CPT Chris Morello	00000	923414	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.CPT Chris Morello	Abuse: Capt. Chris Morello entered and searched Apartment § 87(2)(b) of § 87(2)(b) in Queens.	§ 87(2)(g)

Synopsis

§ 87(2)(b) contacted the CCRB via telephone on April 29, 2009 to file a complaint regarding an incident that occurred on April 24, 2009. On April 24, 2009, at approximately 6:05 AM, § 87(2)(b) was in his friend's, § 87(2)(b) residence located at Apartment § 87(2)(b) of § 87(2)(b) in Queens. § 87(2)(b) was in the living room and § 87(2)(b) was sleeping in the bedroom. Approximately five plainclothes officers broke down the door to the apartment and went inside (Allegation A). Approximately 35 small plastic bags of marihuana that weighed approximately one-half ounce in total were recovered from the apartment. Both § 87(2)(b) and § 87(2)(b) were arrested. The apartment was subsequently searched (within Allegation A).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) a § 87(2)(b)-old black male who is 6'1" tall, 170 pounds with black hair and black eyes—was interviewed at the CCRB on May 4, 2009 (Encl. 4A-G).

On April 24, 2009, at approximately 6:05 AM, § 87(2)(b) was at his friend's, § 87(2)(b) residence located at Apartment § 87(2)(b) of § 87(2)(b) in Queens. § 87(2)(b) was lying naked on the couch and § 87(2)(b) was sleeping in the bedroom. Approximately five plainclothes officers broke the door down and entered the apartment. The officers told § 87(2)(b) to get down on the floor and he began to do so. As § 87(2)(b) was getting down on the floor, an officer rushed toward § 87(2)(b) and used his bunker shield to push § 87(2)(b) back so that he fell to the floor. § 87(2)(b) was handcuffed and escorted to the couch, where his clothes were located. As § 87(2)(b) began to get dressed, the officers asked him if he had anything in the house the officers should know about. § 87(2)(b) said, "The only thing I have is marihuana in my pocket," referring to the pants he was about to put on, and produced 30-35 small plastic bags of marihuana that weighed approximately 0.5 ounces in total, evenly divided into each bag. § 87(2)(b) was also asked if there were guns in the apartment. § 87(2)(b) denied having anything else in the apartment, and nothing else of interest was recovered.

Meanwhile, two female officers were with § 87(2)(b) in the bedroom. From where he was sitting, § 87(2)(b) could see directly through the bedroom door and saw § 87(2)(b) and one of the female officers clearly. § 87(2)(b) heard § 87(2)(b) ask, "Do you all have a warrant?" However, once asked if § 87(2)(b) asked if she could see the warrant, § 87(2)(b) stated that he heard her say, "Do you have a warrant? Can I see the warrant?" The female officer did not answer her and did not show her any paperwork.

Neither § 87(2)(b) nor § 87(2)(b) sustained any injuries. § 87(2)(b) and § 87(2)(b) were arrested and charged with a violation, though § 87(2)(b) could not specify which violation. When § 87(2)(b) and § 87(2)(b) returned, they saw that the apartment was searched, which § 87(2)(b) determined because all of the closets and drawers were emptied and its contents were on floor, the refrigerator was emptied, and food was in the sink.

§ 87(2)(b)

§ 87(2)(b) a § 87(2)(b)-old black female who is 5'1" tall and 155 pounds with black hair and dark brown eyes—was interviewed at the CCRB on May 13, 2009 (Encl. 4H-O).

On April 24, 2009, at approximately 6:05 AM, § 87(2)(b) was sleeping nude in her apartment located at § 87(2)(b) in Queens. Her friend, § 87(2)(b) was sleeping on the couch in the living room. § 87(2)(b) awoke to a loud bang and immediately sat up and tried to reach for her telephone. § 87(2)(b) heard a second bang and two female officers immediately entered her bedroom with their guns drawn. Later in the interview, § 87(2)(b) stated that it was not female officers who entered, but a group of male officers who were all dressed in plainclothes and raid jackets with their guns drawn and flashlights on.

However, § 87(2)(b) could not tell how many entered her bedroom or what they looked like as it was dark in her bedroom and it occurred very quickly.

§ 87(2)(b) was brought back to the living room sofa and asked the officers, "What's going on? Do you have any warrants? Do you have any papers?" and was told, "We don't have to show you nothing. This is not about you. You just be quiet" by an officer but she could not say exactly who. § 87(2)(b) repeatedly asked, "Where is the paperwork? What is this about?" which was repeatedly answered by a female officer, "It's not about you." Upon further questioning of what her exact words to the officers were, § 87(2)(b) stated that she repeatedly shouted, "Why are you here?" at the officers. When asked if she asked any other questions, § 87(2)(b) stated that she also asked the officers "What's going on?" but did not at any point allege to have specifically asked to see the search warrant. § 87(2)(b) knew that § 87(2)(b) produced marihuana from his pants pocket but was inconsistent regarding whether she saw him do so.

§ 87(2)(b) and § 87(2)(b) were arrested and issued violations. § 87(2)(b) heard from § 87(2)(b) that he received a violation for possession of marihuana, so § 87(2)(b) suspects that she was charged with the same violation. When § 87(2)(b) returned home, she realized that her apartment had been searched. All of her belongings were removed and from their respective places but were not missing. § 87(2)(b) VCR/DVD player was broken.

§ 87(2)(b) contacted the CCRB via telephone on May 18, 2009 and clarified that her VCR/DVD player was broken in the sense that it was not functioning properly upon her return, but there was no external damage to it. None of § 87(2)(b) possessions were broken or damaged (Encl. 4P).

Results of Investigation

Officers Not Interviewed

Capt. Morello and the other members of the search warrant execution team were not interviewed in connection with this investigation § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

NYPD Documents

Search Warrant

Search Warrant #§ 87(2)(b) was obtained by PO Clifton Clarke from the Criminal Court of the City of New York County of Queens on § 87(2)(b), and was signed by Judge § 87(2)(b). The warrant stipulates that Apartment § 87(2)(b) of § 87(2)(b) could be searched for the following property: cocaine, controlled substances, drug paraphernalia, including but not limited to plastic bags, records of ownership or use of the location, records of narcotics transactions, pre-recorded buy money, and such United States currency used to purchase narcotics. The warrant further stipulates that the location could be searched "at any time of the day or night, without first announcing your purpose and or your authority" (Encl. 5A).

Tactical Plan

The Tactical Plan reflects that PO Clarke obtained the search warrant § 87(2)(b), which is a no-knock warrant. The search warrant was to be executed at § 87(2)(b) on the § 87(2)(b) floor, at apartment #§ 87(2)(b). Capt. Morello served as the Overall Supervisor. The Tactical Plan lists the assignments of all the officers involved in the search warrant execution team (Encl. 5B).

Roll Call

The Roll Call reflects that Capt. Chris Morello's scheduled tour and the scheduled tours of all the other officers assigned to the search warrant execution team were adjusted to 4:30 AM to 1:00 PM for the execution of the search warrant (Encl. 5C-D).

Movement Log

The Movement Sheet lists that Capt. Morello and all the other officers assigned to the search warrant execution team signed out at 5:30 AM for the execution of the search warrant (Encl. 5E).

Post-Execution Plans

The Search Warrant Post-Execution Plan shows that the results of the search warrant were positive and that § 87(2)(b) and § 87(2)(b) were apprehended and arrested at the location. Currency in the amount of \$45 and 38 Ziplocs of drugs were found on the premises (Encl. 5F).

Command Log

As of the date of this report, the CCRB has not received the Command Log pertaining to this incident.

Prisoner Holding Pen Roster

As of the date of this report, the CCRB has not received the Prisoner Holding Pen Roster pertaining to this incident.

Arrest Reports

§ 87(2)(b) s and § 87(2)(b) arrest reports narrates, “At TPO the deft was in possession of a quantity of marihuana during the execution of SW #§ 87(2)(b).” § 87(2)(b) and § 87(2)(b) were arrested by Det. Michele Hawkins of the NARCBQN command on April 24, 2009 at 6:15 AM inside § 87(2)(b) Apt. § 87(2)(b) which is in the Queensbridge public housing residence within the jurisdiction of the 114th Precinct. The location was listed as § 87(2)(b) s permanent address. No force was used to arrest either § 87(2)(b) or § 87(2)(b) and § 87(2)(b) were charged with unlawful possession of marihuana in the fifth degree (Encl. 5G-J).

Arrest Photos

According to § 87(2)(b) s arrest photo, his top charge was criminal possession of marihuana in the fifth degree. He is a 47-year-old black male who is 6’10” tall and 165 pounds with black hair in short twists, brown eyes, and a blotchy light to medium complexion, with eyeglasses and a tattoo on his arm. § 87(2)(b) Water’ arrest photo reflects that her top charge was also criminal possession of marihuana in the fifth degree. Although § 87(2)(b) is a female, her arrest photo lists that she is a male with a Caesar haircut. The correct details listed on the arrest photo are that § 87(2)(b) is 49 years old, black, 5’10” tall and 156 pounds with medium-length black hair, brown eyes, and a clear medium complexion. The arrest photo also states that § 87(2)(b) has a tattoo on her leg (Encl. 5K-L).

Criminal Court Complaint

§ 87(2)(a) 160.50
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dispositions

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Complainant/Victim Criminal Conviction Histories

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Complainant/Victim CCRB Histories

§ 87(2)(b) has filed four other CCRB complaints besides this one. § 87(2)(b)
[REDACTED]
[REDACTED]

§ 87(2)(b)

Police Officer CCRB Histories

Capt. Morello has been employed by the NYPD for 15 years. This is the only allegation made against him (Encl. 1A).

Conclusions and Recommendations

Identification of Subject Officer

Capt. Chris Morello was identified via investigation from the search warrant tactical plan. Capt. Morello is listed as the Overall Supervisor and as such he supervised all the officers who participated in the entry and search of Apartment § 87(2)(b) of § 87(2)(b).

Undisputed Facts

It is undisputed that on April 24, 2009, § 87(2)(b) was on the couch in the living room and § 87(2)(b) was in the bedroom of her residence, located at Apartment § 87(2)(b) of § 87(2)(b) in Queens. At approximately 6:05 AM, Capt. Morello and other officers from the NARCBQN arrived at § 87(2)(b) apartment to conduct a search warrant. The search warrant was obtained by PO Clarke and the execution of the search warrant was supervised by Capt. Morello. During the search, marihuana and drug paraphernalia were recovered and § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b).

Disputed Facts

None of the facts involved in this case are in dispute.

Determination of Facts

Capt. Morello and other members of the NARCBQN search warrant execution team did go to § 87(2)(b) residence located at Apartment § 87(2)(b) of § 87(2)(b) in Queens, entered it, and executed the search warrant that was obtained by PO Clarke. PO Clarke obtained a valid search warrant on § 87(2)(b), from Judge § 87(2)(b) of the Criminal Court of the City of New York in the County of Queens. The search warrant was executed on April 24, 2009. The residence that was searched did belong to § 87(2)(b) and it corresponded with the address that was stipulated on the search warrant, § 87(2)(g).

Allegations Not Pled

§ 87(2)(g)

Also during his official statement, § 87(2)(b) alleged that he heard § 87(2)(b) ask, “Do you have a warrant? Can I see the warrant?” to which an officer said, “It’s not about you, it’s about him” and did not show it to her. § 87(2)(b) official statement revealed that she did not ask to see the search warrant. Because § 87(2)(b) denied requesting to see the warrant, a failure to show a search warrant was not pleaded.

§ 87(2)(g)

Allegation A: Capt. Chris Morello entered and searched Apartment § 87(2)(b) of § 87(2)(b) in Queens.

§ 87(2)(g)

§ 87(2)(g)

The search warrant specified that the officers were authorized to enter and search Apartment § 87(2)(b) of § 87(2)(b) for contraband and any other contraband-related paraphernalia. § 87(2)(g)

Investigator:

Amanda J. Bernardo

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: